

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

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JUSTIN LASTER,

*Plaintiff,*

v.

GEORGIA DEPARTMENT OF  
CORRECTIONS,

*Defendant.*

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CIVIL ACTION NO.  
5:21-cv-00464-TES

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ORDER

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On April 1, 2025, the United States Court of Appeals for the Eleventh Circuit issued an Order [Doc. 62] remanding this action for the limited purpose of determining if Plaintiff Justin Laster is entitled to relief under Federal Rule of Appellate Procedure 4(a)(6).<sup>1</sup>

As a procedural primer, the Court entered its summary-judgment Order [Doc.

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<sup>1</sup> Fed. R. App. P. 4(a)(6) provides that:

The district court may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied:

- (A) the court finds that the moving party did not receive notice under Federal Rule of Civil Procedure 77(d) of the entry of the judgment or order sought to be appealed within 21 days after entry;
- (B) the motion is filed within 180 days after the judgment or order is entered or within 14 days after the moving party receives notice under Federal Rule of Civil Procedure 77(d) of the entry, whichever is earlier; and
- (C) the court finds that no party would be prejudiced.

52] on September 24, 2024. Then, on September 25, 2024, the Clerk of Court entered Judgment [Doc. 53]. Also on September 25, a Deputy Clerk of Court entered a “CLERK’S CERTIFICATION OF SERVICE” noting that she mailed the Court’s Order and Judgment to Laster.

On October 30, 2024, Laster filed—directly with the Eleventh Circuit—a Motion for Recusal, which the Circuit initially construed as a Petition for Writ of Mandamus. [Doc. 62, p. 1]. In that filing, Laster contended that he never received the Court’s Order or Judgment, and did not receive notice of those filings until he received a Bill of Costs [Doc. 54] on October 27, 2024. *See* Affidavit, *Laster v. Dep’t of Corrs.*, No. 24-13591 (11th Cir. Oct. 30, 2024), ECF No. 1-2. The Circuit denied Laster’s Motion to Proceed *In Forma Pauperis* and later dismissed that case for want of prosecution. [Doc. 62, p. 1].

Separately, on November 22, 2024, Laster filed a Notice of Appeal [Doc. 57], which resulted in an additional case being opened at the Circuit. The Circuit then issued a jurisdictional question and, following the responses, dismissed the November appeal as untimely, but vacated the earlier dismissal of Laster’s construed mandamus action. [Doc. 62, p. 3]. The Circuit construed Laster’s initial direct filing as a notice of appeal and request to reopen the appeal period under Fed. R. App. P. 4(a)(6). In that Order, the Circuit also directed this Court to make a limited-remand finding regarding Laster’s entitlement to relief under Fed. R. App. P. 4(a)(6). [*Id.*].

To assist the Court, the parties are **DIRECTED** to file a brief (along with any

supporting affidavits or evidence) discussing Fed. R. App. P. 4(a)(6)'s elements and their application to Laster's Notice of Appeal. **The parties' filings are limited to 10 pages and must be filed within 14 days of this Order.**

SO ORDERED, this 2nd day of April, 2025.

*S/ Tilman E. Self, III* \_\_\_\_\_

**TILMAN E. SELF, III, JUDGE**

**UNITED STATES DISTRICT COURT**